

Applicant : Todd W. Pastrick
Serial No. : 09/967,236
Page : 17

REMARKS

Applicant respectfully acknowledges the Examiner's review of the specification, claims, and drawings and indication of allowable subject matter. In light of the above amendments and following remarks, Applicant respectfully request reconsideration of the present application. The amendments and remarks presented herein are fully supported by the application as originally filed. No new matter has been entered.

Terminal Disclaimer:

The Examiner states that the Disclaimer filed on February 24, 2003, was not received. Applicant resubmits herewith a copy of the Terminal Disclaimer to obviate the obviousness-type double patenting rejection of Claims 107-114, 118-122, 125-147, 151-155, 158-179, 183-187, 190-213, 217-221, and 224-245 under the judicially created doctrine of double patenting over Claims 1-62 of U.S. Patent No. 6,296,379, Claims 1-61 of U.S. Patent No. 6,299,333, Claims 1-40 of U.S. Patent No. 6,176,602, Claims 1-165 of U.S. Patent No. 5,879,074, Claims 1-111 of U.S. Patent No. 6,086,229, Claims 1-164 of U.S. Patent No. 6,074,077, Claims 1-106 of U.S. Patent No. 5,497,306, and Claims 1-121 of U.S. Patent No. 5,669,705. The reference to U.S. Patent No. 5,313,335 appears to be in error, since this patent is not owned by the Applicant.

Applicant respectfully requests that the obviousness-type double patenting rejection be reconsidered and withdrawn.

Applicant : Todd W. Pastrick
Serial No. : 09/967,236
Page : 18

Election/Restriction:

Although Claims 148-150, 156, 157, 214-216, and 222-223 were withdrawn from consideration as being drawn to a non-elected species, Applicant respectfully requests that these claims now be entered back into the case and allowed with the claims from which they depend, as the claims from which they depend are allowable generic claims at least with respect to these species.

Status of the Claims:

Claims 141-153, 155-219, and 221-245 are pending in the application. Claims 107-140, 154, and 220 have been cancelled herein. Claims 1-106 were previously cancelled. Claims 172-205 are allowed. Claim 154 and 220 were objected to but were indicated as being allowable if rewritten in independent form. Accordingly, Applicant has amended Claims 141 and 206 to incorporate the limitations of Claims 154 and 220, respectively; therefore, Applicant respectfully urges that Claims 141 and 206 along with their respective dependent claims, namely Claims 142-153, 155-171, 207-219, and 221-245, are now in allowable form.

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph:

The Examiner rejects Claims 121 under 35 U.S.C. § 112, second paragraph, as being indefinite and incomplete. Claim 121 has been cancelled. Accordingly, Applicant respectfully urges that the rejection to Claim 121 is obviated.

Claim Rejections Under 35 U.S.C. § 103:

The Examiner rejects Claims 107-111, 118, 121, 128, 134, 135, 141-144, 147, 151, 161, 167, 168, 171, 206-210, 213, 217, 227, 233, 234, and 240-245 under 35 U.S.C. § 103(a) as being unpatentable over JP 61-188242 in view of Tran.

Applicant : Todd W. Pastrick
Serial No. : 09/967,236
Page : 19

Applicant respectfully traverses. Notwithstanding, Applicant has cancelled Claims 107-140, amended Claim 141 to incorporate the limitations of Claim 154, and amended Claim 206 to incorporate the limitations of Claim 220, for the purpose of expediting allowance of the present application without prejudice to pursue the cancelled claims and similar claims in a continuation application.

Accordingly, Applicant respectfully urges that Claim 141 and its dependent claims, namely Claims 142-153 and 155-171, are patentably distinguishable over JP 61-188242 in view of Tran or in view of any other reference of record. In addition, Applicant respectfully urges that Claim 206 and its dependent claims, namely Claims 207-219 and 221-245, are now patentably distinguishable over JP 61-188242 in view of Tran or in view of any other reference of record.

The Examiner rejects Claims 107-111, 118, 121, 128, 134, 135, 141-144, 147, 151, 161, 167, 168, 171, 206-210, 213, 217, 227, 233, 234, and 240-245 under 35 U.S.C. § 103(a) as being unpatentable over DE 3635473 in view of Tran.

Applicant respectfully traverses. Notwithstanding, Applicant has cancelled Claims 107-140, amended Claim 141 to incorporate the limitations of Claim 154, and amended Claim 206 to incorporate the limitations of Claim 220, for the purpose of expediting allowance of the present application without prejudice to pursue the cancelled claims and similar claims in a continuation application.

Accordingly, Applicant respectfully urges that Claim 141 and its dependent claims, namely Claims 142-153 and 155-171, are patentably distinguishable over DE 3635473 in view of Tran or in view of any other reference of record. In addition, Applicant respectfully urges that Claim 206 and its dependent claims, namely Claims 207-219 and 221-

Applicant : Todd W. Pastrick
Serial No. : 09/967,236
Page : 20

245, are patentably distinguishable over DE 3635473 in view of Tran or in view of any other reference of record.

The Examiner rejects Claims 112-114, 119, 120, 125-127, 136-140, 145, 146, 152, 153, 158-160, 169, 170, 211, 212, 218, 219, 224-226, and 235-239 under 35 U.S.C. § 103(a) as being unpatentable over JP 61-188242 or DE 3635473 in view of Tran and further in view of Roberts.

Applicant respectfully traverses. Notwithstanding, Applicant has cancelled Claims 107-140, amended Claim 141 to incorporate the limitations of Claim 154, and amended Claim 206 to incorporate the limitations of Claim 220, for the purpose of expediting allowance of the present application without prejudice to pursue the cancelled claims and similar claims in a continuation application.

Accordingly, Applicant respectfully urges that Claims 145, 146, 152, 153, 158-160, 169, 170, which depend from allowable Claim 141, and Claims 211, 212, 218, 219, 224-226, and 235-239, which depend from allowable Claim 206, are patentably distinguishable over DE 3635473 or JP 61-188242 in view of Tran or in view of any other reference of record.

The Examiner rejects Claims 122, 155, and 221 under 35 U.S.C. § 103(a) as being unpatentable over JP 61-188242 or DE 3635473 in view of Tran and further in view of Roberts.

Applicant respectfully traverses. Notwithstanding, Applicant has cancelled Claims 107-140, amended Claim 141 to incorporate the limitations of Claim 154, and amended Claim 206 to incorporate the limitations of Claim 220, for the purpose of expediting

Applicant : Todd W. Pastrick
Serial No. : 09/967,236
Page : 21

allowance of the present application without prejudice to pursue the cancelled claims and similar claims in a continuation application.

Accordingly, Applicant respectfully urges that Claims 155 and 221, which depend from allowable Claims 141 and 220, respectively, are patentably distinguishable over DE 3635473 or JP 61-188242 in view of Tran or in view of any other reference of record.

The Examiner rejects Claims 129-133, 162-165, and 228-232 under 35 U.S.C. § 103(a) as being unpatentable over JP 61-188242 or DE 3635473 in view of Tran and further in view of Roberts.

Applicant respectfully traverses. Notwithstanding, Applicant has cancelled Claims 107-140, amended Claim 141 to incorporate the limitations of Claim 154, and amended Claim 206 to incorporate the limitations of Claim 220, for the purpose of expediting allowance of the present application without prejudice to pursue the cancelled claims and similar claims in a continuation application.

Accordingly, Applicant respectfully urges that Claims 162-165, which depend from allowable Claim 141, and Claims 228-232, which depend from allowable Claim 206, are patentably distinguishable over DE 3635473 or JP 61-188242 in view of Tran or Roberts or in view of any other reference of record.

In view of the above amendments and remarks, Applicant respectfully requests reconsideration of the present application and a Notice of Allowance of all claims, namely Claims 141-153, 155-219, and 221-245.

Applicant : Todd W. Pastrick
Serial No. : 09/967,236
Page : 22

Should the Examiner have any questions or comments, the Examiner is invited to contact the undersigned at (616) 975-5506.

Respectfully submitted,

TODD W. PASTRICK

By: Van Dyke, Gardner, Linn & Burkhart, LLP

May 17, 2004

Date

CSC:lmse

Catherine S. Collins
Catherine S. Collins
Registration No. 37 599
2851 Charlevoix Drive, S.E., Suite 207
Post Office Box 888695
Grand Rapids, Michigan 49588-8695
(616) 975-5500